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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,229	01/20/2004	Gary M. Everingham	051481-5144

CONFIRMATION NO. 6451

## FORMALITIES LETTER



\*OC000000012411706\*

009629

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

Date Mailed: 04/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/01/2004 SZEWDIE1 00000005 500310 10759229

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 DA  
02 FC:1051 130.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$900** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**RECEIVED****APR 26 2004**


MORGAN, LEWIS &amp; BOCKIUS LLP

**DOCKETED**

B. B. Date 4/26/04

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



ATTORNEY DOCKET No.: 051481-5144

Application No.: 10/759,229

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Gary M. EVERINGHAM, *et al.* ) Confirmation No.: 6451  
)  
Application No.: 10/759,229 ) Group Art Unit: 3747  
)  
Filed: January 20, 2004 ) Examiner: Unassigned  
)  
For: EXHAUST GAS RECIRCULATION ) **Mail Stop Missing Parts**  
VALVE HAVING A ROTARY MOTOR )

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Missing Parts**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed April 22, 2004.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

09/01/2004 SZEWDIE1 00000006 500310 10759229

2. Declaration Or Oath

01 FC:1253 950.00 DA

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

## 4. Small Entity Status

- ☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

## 5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

**Extension of time fee due with this request:      \$ 950.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicants have inadvertently overlooked the need for a petition and fee for extension of time, applicant hereby petitions for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

## 6. Assignment

- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

## 7. Fee Calculation

				Fee Code	
Basic Fee				\$770.00	1001/2001
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	15 – 20 =	0	\$18/\$9 each=	\$ 0.00	1202/2202
Independent Claims	2 - 3 =	0	\$86/\$43 each=	\$ 0.00	1201/2201
Multiple dependent claim(s), if any			\$290/\$145	\$ 0.00	1203/2203
SUB-TOTAL =				\$770.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	1051/2051
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)			1251/2251
		\$420/\$210 (2 Months)			1252/2252
		\$950/\$475 (3 Months)			1253/2253
		\$1480/\$740 (4 Months)			1254/2254
		\$2010/\$1005 (5 Months)		\$950.00	1255/2255
SUB-TOTAL =				\$1,850.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 0.00	1053
Assignment Recordation Fee			\$ 40.00	\$ 0.00	8021
TOTAL FILING FEE =				\$1,850.00	

## 8. Fee Payment

- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_ representing the total fee due.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Claim for Priority
- ☐ Certified copy(ies) of priority document(s):
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_ references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment  
pertaining thereto for biotechnology invention containing nucleotide and/or amino acid  
sequence.
- ☐ Other:

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: August 30, 2004

By: 

Scott J. Anchell  
Reg. No. 35,035

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